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SENATE BILL 27

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO PUBLIC SCHOOLS; LIMITING THE PERIOD IN WHICH
CHARTER SCHOOL APPLICATIONS MAY BE SUBMITTED IN ANY YEAR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8B-6 NMSA 1978 (being Laws 1999,
Chapter 281, Section 6, as amended) is amended to read:

"22-8B-6. CHARTER SCHOOL REQUIREMENTS--APPLICATION
PROCESS--AUTHORIZATION--BOARD OF FINANCE DESIGNATION
REQUIRED.--

A. A local school board has the authority to
approve the establishment of a charter school within the school
district in which it is located.

B. ~~[At least one hundred eighty days prior to
initial application]~~ No later than January 1 of the year in
which an application will be filed, the organizers of a

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1 proposed charter school shall provide written notification to
2 the commission and the school district in which the charter
3 school is proposed to be located of their intent to establish a
4 charter school. Failure to notify may result in an application
5 not being accepted.

6 C. A charter school applicant shall apply to either
7 a local school board or the commission for a charter. If an
8 application is submitted to a chartering authority, it must
9 process the application. Applications for initial charters
10 shall be submitted [~~by~~] between June 1 and July 1 to be
11 eligible for consideration for the following fiscal year;
12 provided that the July 1 deadline may be waived upon agreement
13 of the applicant and the chartering authority.

14 D. An application shall include the total number of
15 grades the charter school proposes to provide, either
16 immediately or phased. A charter school may decrease the
17 number of grades it eventually offers, but it shall not
18 increase the number of grades or the total number of students
19 proposed to be served in each grade.

20 E. An application shall include a detailed
21 description of the charter school's projected capital outlay
22 needs, including projected requests for capital outlay
23 assistance.

24 F. An application [~~for a start-up school~~] may be
25 made by one or more teachers, parents or community members or

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1 by a public post-secondary educational institution or nonprofit
2 organization. Municipalities, counties, private post-secondary
3 educational institutions and for-profit business entities are
4 not eligible to apply for or receive a charter.

5 G. An initial application for a charter school
6 shall not be made after June 30, 2007 if the proposed charter
7 school's proposed enrollment for all grades or the proposed
8 charter school's proposed enrollment for all grades in
9 combination with any other charter school's enrollment for all
10 grades would equal or exceed ten percent of the total MEM of
11 the school district in which the charter school will be
12 geographically located and that school district has a total
13 enrollment of not more than one thousand three hundred
14 students.

15 H. A state-chartered charter school shall not be
16 approved for operation unless its governing body has qualified
17 to be a board of finance.

18 I. The chartering authority shall receive and
19 review all applications for charter schools submitted to it.
20 The chartering authority shall not charge application fees.

21 J. The chartering authority shall hold at least one
22 public meeting in the school district in which the charter
23 school is proposed to be located to obtain information and
24 community input to assist it in its decision whether to grant a
25 charter school application. Community input may include

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1 written or oral comments in favor of or in opposition to the
2 application from the applicant, the local community and, for
3 state-chartered charter schools, the local school board and
4 school district in whose geographical boundaries the charter
5 school is proposed to be located. The chartering authority
6 shall rule on the application for a charter school in a public
7 meeting [~~within sixty days after receiving the application~~] by
8 September 1 of the year the application was received. If not
9 ruled upon [~~within sixty days~~] by that date, the charter
10 application shall be automatically reviewed by the secretary in
11 accordance with the provisions of Section 22-8B-7 NMSA 1978.
12 The charter school applicant and the chartering authority may,
13 however, jointly waive the deadlines set forth in this section.

14 K. A chartering authority may approve, approve with
15 conditions or deny an application. A chartering authority may
16 deny an application if:

17 (1) the application is incomplete or
18 inadequate;

19 (2) the application does not propose to offer
20 an educational program consistent with the requirements and
21 purposes of the Charter Schools Act;

22 (3) the proposed head administrator or other
23 administrative or fiscal staff was involved with another
24 charter school whose charter was denied or revoked for fiscal
25 mismanagement or the proposed head administrator or other

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1 administrative or fiscal staff was discharged from a public
2 school for fiscal mismanagement;

3 (4) for a proposed state-chartered charter
4 school, it does not request to have the governing body of the
5 charter school designated as a board of finance or the
6 governing body does not qualify as a board of finance; or

7 (5) the application is otherwise contrary to
8 the best interests of the charter school's projected students,
9 the local community or the school district in whose geographic
10 boundaries the charter school applies to operate.

11 L. If the chartering authority denies a charter
12 school application or approves the application with conditions,
13 it shall state its reasons for the denial or conditions in
14 writing within fourteen days of the meeting. If the chartering
15 authority grants a charter, the approved charter shall be
16 provided to the applicant together with any imposed conditions.

17 M. A charter school that has received a notice from
18 the chartering authority denying approval of the charter shall
19 have a right to a hearing by the secretary as provided in
20 Section 22-8B-7 NMSA 1978."